

Notice of Allowability

Application No.

10/725,252

Examiner

Vinh T. Luong

Applicant(s)

WERDER, MARTIN VON

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/5/06.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 10/5/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____

7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____


Vinh T. Luong
Primary Examiner

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1. The Amendment filed on October 5, 2006 has been entered.
2. A substitute specification including the claims is required pursuant to 37 CFR 1.125(a) because the interlineations or cancellations made in the specification or amendments to the claims could lead to confusion and mistake during the issue, and printing processes. See 37 CFR 1.125 and MPEP § 608.01(q).

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

3. Claims 1-14 are allowed.
4. The following is an examiner's statement of reasons for allowance: the broadest claim 14 is allowed due to the limitations, such as, a pole bar 10, a loop-shaped handle 14, a holding extension 16, first and second operating levers 70/72 and 74, a locking and/or unlocking lever 80, a catch 92, a toothed interlock portion 86, and a spring 84 that biases at least one of the catch 92 and the locking and unlocking lever 80. See Applicant's Figs. 5 and 6.

The closest prior art Johansson (WO 2004/067350) teaches the catch 27, the locking and unlocking lever 26, the toothed inter-lock portion 28-30, and the spring 3 as shown in Figs. 3 and 5 and described on pages 5 and 6 and claims 1-14. However, the spring 3 does not bias at least one of the catch 27 and the lever 26 as Applicant claimed. In fact, the spring 3 is used to take up the movements that arise in the wires (cables) 22 as seen in Johansson's claim 9. There is no suggestion to form the spring as required by Applicant's claims. More importantly, Johansson was published on August 12, 2004 after the filing date December 1, 2003 of this application. Therefore, Johansson is not qualified prior art to reject the claims in this application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. The drawings were received on October 5, 2006. These drawings are not accepted by the Examiner because the proposed drawing corrections are not in compliance with 37 CFR 1.121(d) as quoted below:

Drawings: One or more application drawings shall be amended in the following manner: *Any changes to an application drawing must be in compliance with § 1.84* and must be submitted on a replacement sheet of drawings which shall be an attachment to the amendment document and, in the top margin, labeled "Replacement Sheet". Any replacement sheet of drawings shall include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is amended. Any new sheet of drawings containing an additional figure must be labeled in the top margin as "New Sheet." *All changes to the drawings shall be explained, in detail, in either the drawing amendment or remarks section of the amendment paper.*

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(1) *A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be included.* The marked-up copy must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change to the drawings.

(2) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, must be provided when required by the examiner. (Emphasis added).

In the instant case: (a) Applicant did not explain all changes to the drawings, in detail, in either drawing amendment or remarks section of the amendment paper. See pages 15 and 16 of the Amendment filed on October 5, 2006; (b) Applicant did not provide a marked-up copy of any amended drawing figure; and (c) the replacement drawings do not comply with 37 CFR 1.84 as evidenced by Form PTO-948 attached.

6. The drawings filed on October 5, 2006 are acceptable subject to correction of: (a) the lack of the explanation regarding the changes to the drawings required by 37 CFR 1.121(d); and (b) the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kronewitter (lever 30) and Elekes (lever 5).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 571-272-7109. The examiner can normally be reached on Monday - Thursday.

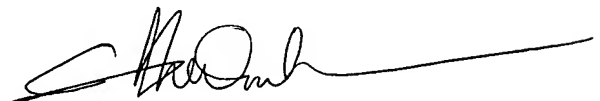
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Luong

October 30, 2006



Vinh T. Luong
Primary Examiner